CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED

## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

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ROBERT ALLEN UNGER,	)
Petitioner,	) Civil Action No. 7:08-cv-00574
	)
<b>v.</b>	) <u>FINAL ORDER</u>
MS. SUSAN PERKA,	) By: Hon. James C. Turk
•	, •
Respondent.	) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

## ADJUDGED AND ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice for failure to exhaust state court remedies and is stricken from the active docket of the court.

The Clerk is directed to send a certified copy of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This <u>26</u> day of November, 2008.

Senior United States District Judge